

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO. 06-0890 (DSD/JJG)

JOHN A. BEAVER,

Plaintiff,

v.

REPORT AND RECOMMENDATION

JO ANNE B. BARNHART,

Defendant.

Plaintiff filed a Complaint in the above-captioned matter on February 27, 2006. On March 13, 2006, Plaintiff's Application to Proceed Without Prepayment of Fees was denied and Plaintiff was ordered to pay the full filing fee. On April 3, 2006, the filing fee was paid and on May 2, 2006, a summons was issued in the above-captioned matter.

When no proof of service or answer was filed or other appearance made within the time required by the rules, the court issued an Order, dated September 12, 2006, which required plaintiff to file with the Court a proof of service of the Complaint no later than September 25, 2006.

To date, plaintiff has not complied with the terms of the September 12, 2006, Order.

Based upon the foregoing, IT IS RECOMMENDED that the case be **DISMISSED** for lack of prosecution.

DATED: October 11, 2006

s/Jeanne J. Graham

JEANNE J. GRAHAM
U.S. Magistrate Judge

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by October 30, 2006. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which

objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.